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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,153	08/26/2003	Timothy J. Collins	CML01464M	7078
22917	7590	06/27/2007		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER AGWUMEZIE, CHARLES C	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 06/27/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
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Office Action Summary	Application No. 10/650,153	Applicant(s) COLLINS ET AL.	
	Examiner Charlie C. Agwumezie	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-11, and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 2-3 are cancelled. Claims 1, 6, 10, 11 and 17-18 are amended. Claims 1, 4-18 are pending in this application per the response to office action filed on April 30, 2004.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 4-11 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

However, Applicant's argument that Halperin repeatedly describes applicant's first number as being on the label of the item, never in the interrogatable tag is correct. But it would have been obvious to one of ordinary skill in the art to switch the location of the signature on the tag to the label and the serial number on the label to the tag as claimed by the Applicant.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 15-16, and 17-18, is rejected under 35 U.S.C. 102(b) as being anticipated by Halperin et al U.S. Patent No. 6,226,619.

As per **claim 15**, Halperin discloses a product scanner comprising:

An RF tag reader outputting contents of an RFID tag (fig. 1 and 7; ...Tag reader...);

a scanner outputting a cryptographic signature (fig. 1; col. 5, lines 40-65; ..the number read from the tag...col. 7, lines 10-15; ...signature is provided by the tag...); and

Logic circuitry having the contents of the RFID tag and the cryptographic signature as an input and outputting information as to whether an item is a forgery (see figs. 1-3; col. 2, lines 45-55; col. 6, lines 10-20; ...preventing counterfeiting by comparing the tag with the serial number...).

As per **claim 16**, Halperin et al further discloses the product scanner wherein the logic circuitry utilizes a public key and cryptographic operations to verify the cryptographic signature (col. 4, lines 25-40; col. 5, lines 50-65; col. 7, lines 5-15).

As per **claim 17**, Halperin et al discloses an apparatus comprising:

an RF reader outputting contents of an RF tag (fig. 1; col. 5, lines 50-65);

logic circuitry having the contents of the RF tag as an input and outputting a cryptographic signature (fig. 1 and 2; col. 2, lines 45-55); and

printing circuitry having the cryptographic signature as an input and printing the cryptographic signature upon an item or packaging (fig. 1; col. 7, lines 5-15).

As per claim 18, Halperin et al further discloses the apparatus further comprising: an RF writer outputting product information for the item to the RF tag (col. 4, lines 45-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, and 4-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Halperin et al U.S. Patent No. 6,226,619.

As per claims 1, and 10, Halperin et al discloses a method for determining if an item is a fraudulent item, the method comprising the steps of:

obtaining a first number from an RFID tag associated with the item or item's packaging (fig. 1; "... number read from the tag with number on the serial number on the label...");

determining a second number that is cryptographic signature printed the item or item's packaging (fig. 1; "label serial number");

utilizing a cryptographic process and the first number to cryptographically verify the second number (col. 5, lines 50-65; "...verifying...the number read from the tag with a number on the serial number on the label..."); and

determining the product's authenticity based on the verification (col. 5, lines 50-65).

What Halperin does not explicitly disclose is that the first number is read from an RFID tag and that the second number is a cryptographic signature on the printed on the item. Halperin however discloses that the signature is on the RFID tag and the second number is printed on the item or product as shown in figs. 1, 2, and 3.

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Halperin by simply switching the location of the first number and the second number as shown in the claimed invention in order to make it easier to read during verification.

As per **claim 4**, Halperin et al further discloses the method wherein the step of utilizing the cryptographic process comprises the step of utilizing a public key and the first number to verify the second number (col. 4, lines 30-40; col. 5, lines 50-65).

As per **claim 5**, Halperin et al further discloses the method wherein the step of determining the products authenticity comprises the step of associating the product with an authentic product if the signature is verified, otherwise associating the product with a forged product (fig. 1; col. 4, lines 30-40; col. 7, lines 10-15; col. 7, line 65-col. 8, line

10).

As per claims 6 and 11, Halperin et al further discloses a method of manufacturing a product in order to prevent forgery, the method comprising the steps of:

- obtaining an RFID tag comprising a first number (fig. 1; "... number read from the tag with number on the serial number on the label...");
- determining a second number utilizing the first number and a cryptographic process, wherein cryptographic verification of the second number insures the product's authenticity (fig.1; "label serial number");
- affixing the RFID tag comprising the first number to either the product or the packaging associated with the product (fig. 1; col. 2, lines 45-55); and
- affixing the second number to either the product or the packaging associated with the product (fig. 1).

What Halperin does not explicitly disclose is that the first number is read from an RFID tag and that the second number is a cryptographic signature on the printed on the item. Halperin however discloses that the signature is on the RFID tag and the second number is printed on the item or product as shown in figs. 1, 2, and 3.

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Halperin by simply switching the location of the first number and the second number as shown in the claimed invention in order to make it easier to read during verification.

As per **claim 7**, Halperin et al further discloses the method wherein the step of obtaining the tag comprising the first number comprises the step of obtaining an RFID tag comprising a unique, or semi-unique unalterable number (fig. 1; col. 4, lines 5-15).

As per **claim 8**, Halperin et al further discloses the method wherein the step of affixing the second number to either the product or the packaging associated with the product comprises the step of printing a cryptographic signature on the product or the product's packaging (col. 4, lines 30-45; col. 7, lines 5-15).

As per **claim 9**, Halperin et al further discloses the method wherein the step of determining the second number utilizing the first number and a cryptographic process comprises the step of utilizing the first number and a private key to generate the second number (col. 4, lines 25-40).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

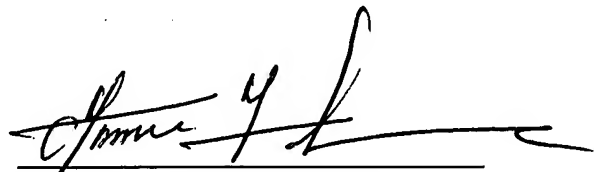
Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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June 12, 2007



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